

**UNITED STATES OF AMERICA**  
**Federal Court**

District of Massachusetts  
at Worcester

Docket # 04-40228-FDS  
04-40229-FDS  
04-40230-FDS

Francis Harvey & Sons, Inc.

Plaintiff

v.

Commissioner of the Internal Revenue Service

Defendant

**Plaintiff's Scheduling Conference Statement**

Plaintiff Francis Harvey & Sons, Inc. ("Harvey"), through its undersigned counsel, submits this Local Rule 16.1(d)(3) statement.

**Settlement Proposal and Alternative Dispute Resolution**

Harvey is willing to attempt to settle this case and is willing to submit to mediation or other alternative non-binding methods in an effort to settle the case. The defendant United States of America does not believe that settlement proceedings are appropriate at this time. The United States is willing to submit to non-binding alternative dispute resolution at the appropriate time.

**Magistrate Judge**

Harvey is willing for the case to be tried by a magistrate judge.

**Certification**

Steven M. LaFortune, Sr., as counsel for Harvey certifies that he has conferred with John Harvey, the principal of Harvey & Sons, Inc., and Murray Hershman, of

Hershman & Associates, Harvey & Sons, Inc.'s designated representative with regard to this tax dispute. Murray Hershman's business address is 411 Chandler St., Worcester, MA and he has settlement authority on behalf of Harvey. As set forth above, Harvey is willing to mediate this case and pursue any reasonable remedy that may lead to a settlement of this case.

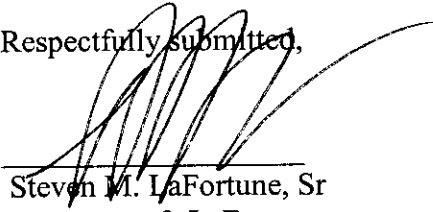
Furthermore, while costs of litigation are always of concern in any litigation, given the money at stake in this litigation, establishing a budget for litigation is not a concern. Harvey will invest the necessary funds to litigate this case as appropriate.

The undersigned counsel and undersigned representative for Harvey affirm that they have conferred with John Harvey with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – for the litigation; and (2) to consider the resolution of the litigation through the use of alternative dispute resolution programs as those outlined in Local Rule 16.4.

Respectfully submitted,

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Murray Hershman  
Hershman & Associates  
411 Chandler Street, Suite 1  
Worcester, MA 01602  
508-754-0800

As Authorized Representative  
For Harvey & Sons, Inc.

  
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Steven M. LaFortune, Sr  
LaFortune & LaFortune  
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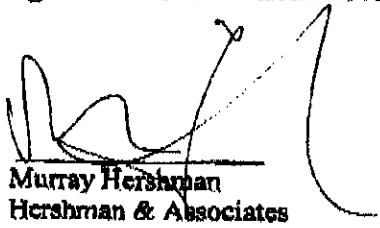
Counsel for plaintiff Harvey & Sons, Inc.

Dated: March 18, 2005

Hershman & Associates, Harvey & Sons, Inc.'s designated representative with regard to this tax dispute. Murray Hershman's business address is 411 Chandler St., Worcester, MA and he has settlement authority on behalf of Harvey. As set forth above, Harvey is willing to mediate this case and pursue any reasonable remedy that may lead to a settlement of this case.

Furthermore, while costs of litigation are always of concern in any litigation, given the money at stake in this litigation, establishing a budget for litigation is not a concern. Harvey will invest the necessary funds to litigate this case as appropriate.

The undersigned counsel and undersigned representative for Harvey affirm that they have conferred with John Harvey with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – for the litigation; and (2) to consider the resolution of the litigation through the use of alternative dispute resolution programs as those outlined in Local Rule 15.4.



Murray Hershman  
Hershman & Associates  
411 Chandler Street, Suite 1  
Worcester, MA 01602  
508-754-0800

As Authorized Representative  
For Harvey & Sons, Inc.

Respectfully submitted,



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Counsel for plaintiff Harvey & Sons, Inc.

Dated: March 18, 2005